

## Message Text

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ACTION EB-07

INFO OCT-01 IO-10 ISO-00 SSO-00 INRE-00 L-03 FRB-01 OMB-01

TAR-01 SP-02 AGR-10 AID-05 CIAE-00 COME-00 INR-07

LAB-04 NSAE-00 OIC-02 SIL-01 STR-04 TRSE-00 CIEP-02

CEA-01 AF-06 ARA-10 EA-10 EUR-12 NEA-10 /110 W

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O R 030955Z JUL 75

FM USMISSION GENEVA

TO SECSTATE WASHDC IMMEDIATE 4275

INFO USUN NEW YORK 1939

UNCLAS GENEVA 5124

E.O. 11652: NA

TAGS: ETRD UNCTAD

SUBJ: UNCTAD COMMITTEE ON MANUFACTURES-G-77 DRAFTS OF RBPS

REF: STATE 156487; GENEVA 5080

1. GROUP B PLANS PRESENT FOLLOWING REDRAFT OF OPERATIVE  
PARAGRAPHS OF G-77 RESOLUTION ON CONVENING OF EXPERT  
GROUP ON RESTRICTIVE BUSINESS PRACTICES.

A. NO CHANGE IN PREAMBULAR PARAGRAPHS

B. OPERATIVE PARA 3 MODIFIED TO READ:

DECIDES THAT THE GROUP SHOULD, IN TAKING INTO  
ACCOUNT THE DESIRABILITY OF APPROPRIATE REMEDIAL MEASURES AT  
NATIONAL, REGIONAL, INTER-REGIONAL AND INTERNATIONAL LEVELS  
WITH RESPECT TO RESTRICTIVE BUSINESS PRACTICES ADVERSELY  
AFFECTING THE TRADE AND DEVELOPMENT OF DEVELOPING COUNTRIES;

(A) UNDERTAKE EMPORICAL ANALYSES AND FACTUAL STUDIES  
OF RESTRICTIVE BUSINESS PRACTICES ADVERSELY AFFECTING  
THE TRADE AND DEVELOPMENT OF DEVELOPING COUNTRIES WITH  
A VIEW TO IDENTIFY THOSE PRACTICES WHICH COULD BE  
CONSIDERED AS ABUSES OF MARKET POWER AT NATIONAL  
AND INTERNATIONAL LEVELS;

(B) DETERMINE ELEMENTS AND NODALITIES OF A MODEL

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LAW OR LAWS ON RESTRICTIVE BUSINESS PRACTICES

FOR DEVELOPING COUNTRIES TO ENSURE ADEQUATE  
LEGISLATIVE AND ADMINISTRATIVE CONTROL OF SUCH  
PRACTICES TAKING INTO ACCOUNT PERTINENT  
PROVISIONS OF INTERNATIONAL LAW;

(C) EXAMINE THE POSSIBILITY OF ADVISING DE-  
VELOPING COUNTRIES ON THE ADOPTION OR FURTHER  
ELABORATION OF LEGISLATIVE AND ADMINISTRATIVE  
PROCEDURES TO CONTROL ADEQUATELY RESTRICTIVE  
BUSINESS PRACTICES ADVERSELY AFFECTING THEIR  
TRADE AND DEVELOPMENT;.

(D) EXAMINE THE FEASIBILITY OF IMPROVING THE  
EXCHANGE OF INFORMATION ON RESTRICTIVE BUSINESS  
PRACTICES BETWEEN GOVERNMENTS OF DEVELOPED AND  
DEVELOPING COUNTRIES TAKING INTO ACCOUNT THE  
INHERENT LIMITS OF DISCLOSURE OF CONFIDENTIAL  
INFORMATION;

2. OPERATIVE PARA 6 OF G-77 TEXT WOULD BE MODIFIED TO READ  
"REQUESTS THE SECRETARY GENERAL OF UNCTAD TO INFORM THE  
INTERGOVERNMENTAL COMMISSION ON TRANSNATIONAL CORPORATIONS  
OF THE CONTENTS OF THIS RESOLUTION AND TO ENSURE  
COORDINATION BETWEEN THE WORK OF UNCTAD IN THE FIELD  
OF RESTRICTIVE BUSINESS PRACTICES WITH THAT OF THE  
COMMISSION ON THE QUESTION OF THE ACTIVITIES OF TRNS-  
NATIONAL CORPORATIONS IN ORDER TO FACILITATE THE LATTER  
IN FULFILLING ITS TASK AND TO AVOID DUPLICATION OF WORK".

3. AS A FALL-BACK POSITION, GROUP B DECIDED IT COULD  
INCORPORATE INTO THE TEXT OF THE RESOLUTION, UNDER PARA  
3(E), THE TEXT OF PARA 5(E), OF UNCTAD III RESOLUTION 73,  
TO WIT "IT SHALL EXAMINE THE POSSIBILITY OF DRAWING UP  
GUIDELINES FOR THE CONSIDERATION OF GOVERNMENTS OF  
DEVELOPED AND DEVELOPING COUNTRIES REGARDING RESTRICTIVE  
BUSINESS PRACTICES ADVERSELY AFFECTING DEVELOPING COUNTRIES".

4. COMMENT: USDEL BELIEVES THAT IF THE ALTERNATIVE  
LANGUAGE PROPOSED BY GROUP B IS AGREED UPON, THE U.S.  
COULD SUPPORT THIS ESSENTIALLY PROCEDURAL RESOLUTION  
INASMUCH AS IT GIVES THE GROUP OF EXPERTS ACCEPTABLE  
TERMS OF REFERENCE. (REFTEL NOTES PLAN FOR GROUP TO  
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MEET IN OCTOBER, BUT THEY NEED TERMS OF REFERENCE, WHICH  
IS REAL PURPOSE OF THIS DRAFT RESOLUTION). THIS , OF  
COURSE, ASSUMES THAT REFERENCE TO C.6/1/RV.1 IS IN FACT  
AN ERROR AND THAT REFERENCE IS TO REPORT OF IGG ON CODE  
OF CONDUCT FOR TRANSFER OF TECHNOLOGY (C.6/1). G-77  
DRAFTER OF TEXT HAS ORALLY ASSURED USDEL THIS THE CASE.  
AS REGARDS THE SECOND RESOLUTION, USDEL BELIEVES THAT  
GROUP B WILL REFUSE TO GIVE THIS ANY FURTHER CONSIDERATION

AT THIS SESSION. IF PUT TO A VOTE, WE WILL VOTE AGAINST.  
PLEASE CONFIRM ACCEPTABILITY THIS COURSE OF ACTION BY  
IMMEDIATE CABLE. DALE

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## Message Attributes

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**Capture Date:** 01 JAN 1994  
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